

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**DALE STROUD and  
KARI STROUD**

**PLAINTIFFS**

**v.**

**No. 4:12-cv-500-DPM**

**SOUTHWESTERN ENERGY  
COMPANY and SEECO, INC.**

**DEFENDANTS**

**ORDER**

1. This case is, once again, in the ditch because of the parties' discovery disputes. The Fifth Amended Final Scheduling Order, *No.* 226, is suspended.

2. The Court will hold a hearing at 10:00 a.m. on 10 August 2018 in Little Rock to resolve all pending discovery disputes. *No.* 236, 250 & 259. The parties' efforts to do so have failed; therefore, the Court will (for better or worse) decide the specifics of all remaining discovery. The parties' e-discovery consultants must attend the hearing. Someone authorized to speak for Desoto and SWN E&P on the subpoena issues, and accept directions on those issues, must also attend. The delayed hearing date is partly because of the Court's other obligations and partly to avoid scheduling conflicts, or at least provide time to work

them out. Please plan on spending as long as it takes on August 10th to sort all the issues.

3. To prepare for the hearing, the Court needs to review the materials that the Defendants have produced. Defendants must file an electronic copy under seal by 15 June 2018, with a courtesy electronic copy delivered to chambers. Please divide the materials into two groups: things produced in phase I and things produced in phase II.

The Court also needs a roadmap for those materials – something like a table of contents, or a list of categories of information. Defendants should file the roadmap under seal, and may file it *ex parte* if they so choose. Don't spend too much time creating this roadmap; if something approximately like it already exists, that document will be fine. Please resist any temptation to argue the documents. The Court needs some organizational structure, not argument.

4. The Court would also benefit from the parties' preliminary thoughts on the measure-of-damages issues. Simultaneous ten-page briefs due on 29 June 2018. No responding briefs.

5. A further word about the August hearing. The Court is going to decide particulars. And then the parties are going to implement the Court's decisions. There are not going to be any more joint reports. There are not going to be any more extensions. It's past time to get this old case resolved one way or another.

\* \* \*

Motions, No 248 & 252, denied as moot.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.

United States District Judge

18 May 2018